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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRANCE JOHN COX,
Defendant.

CASE NO. 1:22-CR-00214-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
[PROPOSED] ORDER

DATE: November 8, 2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

This case is set for status conference on November 8, 2023. As set forth below, the parties now move, by stipulation, to continue the status conference to January 24, 2024, at 1:00 p.m. and to exclude the time period between November 8, 2023 and January 24, 2024 under the Speedy Trial Act.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 8, 2023.
2. By this stipulation, defendant now moves to continue the status conference until January 24, 2024, and to exclude time between November 8, 2023, and January 24, 2024, under 18 U.S.C. § 3161(h)(7)(A), (B)(ii), B(iv) [Local Codes T2 and T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case is

1 extremely voluminous and includes large amounts of digital forensic evidence, several hundreds
2 of thousands of pages of financial records and reports, evidence obtained by search warrant, and
3 extensive other evidence. All of this discovery has been either produced directly to counsel
4 and/or made available for inspection and copying. The government has also copied digital
5 evidence onto a hard drive provided by the defense, and produced that material to the defense.

6 b) Counsel for defendant desires additional time to consult with his client, to review
7 the current charges, to conduct further investigation and research related to the charges, to
8 continue to review voluminous discovery including any supplemental discovery, to discuss
9 potential resolution with government counsel, and to evaluate potential pretrial motions.

10 Counsel for defendant has continued to make progress in reviewing discovery, but requires
11 additional time to analyze produced material due to his trial schedule, including a months-long
12 jury trial recently completed in Madera County, and the volume of discovery and its complexity,
13 including hundreds of thousands of pages of Bates stamped material and large amounts of digital
14 evidence. Thus, a continuance of the status conference is necessary for continuity of counsel and
15 to facilitate defense investigation and preparation.

16 c) Counsel for defendant believes that failure to grant the above-requested
17 continuance would deny him the reasonable time necessary for effective preparation, taking into
18 account the exercise of due diligence.

19 d) The government does not object to the continuance.

20 e) Based on the above-stated findings, the ends of justice served by continuing the
21 case as requested outweigh the interest of the public and the defendant in a trial within the
22 original date prescribed by the Speedy Trial Act.

23 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
24 et seq., within which trial must commence, the time period of November 8, 2023 to January 24,
25 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(ii), B(iv)
26 [Local Codes T2 and T4] because it results from a continuance granted by the Court at
27 defendant's request on the basis of the Court's finding that the ends of justice served by taking
28 such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 1, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ HENRY Z. CARBAJAL III
HENRY Z. CARBAJAL III
Assistant United States Attorney

Dated: November 1, 2023

/s/ MARK W. COLEMAN
MARK W. COLEMAN
Counsel for Defendant
Terrance John Cox

[PROPOSED] ORDER

IT IS SO FOUND AND ORDERED this ____ day of _____, ____.

HON. BARBARA A. MCAULIFFE
UNITED STATES MAGISTRATE JUDGE